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1 — Texas, 23 other states sue EPA over 'Clean Power Plan', Houston Chronicle, 10/23/2015

<http://www.houstonchronicle.com/news/politics/texas/article/Texas-23-other-states-sue-EPA-over-Clean-Power-6587565.php>

The state of Texas on Friday announced it is leading a 24-state lawsuit challenging the Obama administration's "Clean Power Plan," the second legal challenge the Attorney General Ken Paxton has mounted against the federal government in two days.

2 — Oklahoma's attorney general files quick challenge to EPA carbon rule, The Oklahoman, 10/23/2015

<http://newsok.com/oklahomas-attorney-general-files-quick-challenge-to-epa-carbon-rule/article/5455443>

Oklahoma's attorney general filed another legal challenge Friday to the Obama administration's Clean Power Plan to reduce greenhouse gases from power plants.

3 — 24 states fighting directive on coal, Arkansas Democrat-Gazette, 10/23/2015

<http://www.arkansasonline.com/news/2015/oct/24/24-states-fighting-directive-on-coal-20/?f=business>

The federal Environmental Protection Agency regulatory package known as the Clean Power Plan officially took effect Friday. It was immediately challenged by 24 states, led by West Virginia and including Arkansas, in a U.S. appeals court filing in Washington, D.C. Oklahoma filed a separate petition.

4 — Fatal flow: Brine from oil, gas drilling fouls land, kills wildlife at alarming rate, Dallas Morning News, 10/25/15

<http://www.dallasnews.com/news/local-news/20151024-fatal-flow-brine-from-oil-gas-drilling-fouls-land-kills-wildlife-at-alarming-rate.ece>

Carl Johnson and his son, Justin, who have complained for years about spills of oilfield wastewater where they raise cattle in the high plains of New Mexico, stroll across a 11½-acre patch of sandy soil — lifeless, save for a scattering of stunted weeds.

5 — Oklahoma Earthquakes Are a National Security Threat, Bloomberg, 10/23/2015

<http://www.bloomberg.com/news/articles/2015-10-23/oklahoma-earthquakes-are-a-national-security-threat>

In the months after Sept. 11, 2001, as U.S. security officials assessed the top targets for potential terrorist attacks, the small town of Cushing, Okla., received special attention. Even though it is home to fewer than 10,000 people, Cushing is the largest commercial oil storage hub in North America, second only in size to the U.S. government's Strategic Petroleum Reserve.

6 — Changes OK'd to river markers, Arkansas Democrat-Gazette, 10/24/2015

<http://www.arkansasonline.com/news/2015/oct/24/changes-ok-d-to-river-markers-20151024/>

The Arkansas Pollution Control and Ecology Commission approved new minerals standards Friday for parts of the Red River and the Little River that will now be reviewed by the U.S. Environmental Protection Agency, which has expressed concerns about the new standards.

7 — Udall, Heinrich, And Luján Respond To Evaluation Of Gold King Mine Spill, KRWG, 10/23/2015

<http://krgw.org/post/udall-heinrich-and-luj-n-respond-evaluation-gold-king-mine-spill>

Thursday, U.S. Senators Tom Udall and Martin Heinrich and U.S. Representative Ben Ray Luján responded to the U.S. Bureau of Reclamation's Technical Evaluation of the Gold King Mine Incident.

8 — Colorado residents seek cleanup of festering inactive mines, Denver Post, 10/25/2015

http://www.denverpost.com/news/ci_29019278/colorado-residents-seek-cleanup-festering-inactive-mines

A local group went to federal court this month seeking long-term assurances that a water-treatment plant will always remain open as the collapsed tunnels and heaps of tailings leak an acid mix of heavy metals: arsenic, cadmium, zinc and others.

9 — Baker Hughes reveals test results on water contamination, Midland Reporter-Telegram, 10/24/2015

http://www.mrt.com/news/top_stories/article_e91318b0-7a7e-11e5-8041-87a8a684ec63.html

Baker Hughes is taking steps forward in addressing a water contamination concern for a county neighborhood along Interstate 20. Last summer, a Baker Hughes monitoring water well detected inexplicably high levels of chlorinated solvents in groundwater sources.

10 — Mighty Mississippi River can rebuild the land we've lost (opinion), New Orleans Times-Picayune, 10/22/2015

http://www.nola.com/futureofneworleans/2015/10/coastal_restoration_diversions.html#incart_river

We are losing what we love. Whether you are watching the chop breaking over what used to be the orange groves of Leeville, running full speed across what was once Bayou Auguste west of Buras, or in any of 10,000 hidden places in the Sportsman's Paradise, the epic scale of land loss in the Louisiana Delta is no abstraction for the hunters and fishermen who know the place best.

11 — What's wrong with that? (opinion), Miami (OK) News-Record, 10/23/2015

http://www.miamiok.com/commentary/article_893b0ea3-c574-58d2-b458-cce6ffb26438.html

The Tar Creek Superfund Site got some good news this week and the good news will keep coming. With the butterfly project the Miami Tribe will be doing, planting milkweed on their property and the Quapaw Tribe receiving nearly \$10 million to clean up 100 acres of extremely contaminated land just outside Commerce, Ottawa County got the kind of news we have been waiting to hear.

12 — Storm runoff a concern for some, Temple Daily Telegram, 10/24/2015

http://www.tdtnews.com/news/article_b90533dc-7aa2-11e5-b448-ff1b1d00c9e5.html

With heavy rainfall expected in Bell County and surrounding areas this weekend, Salado Mayor Skip Blancett and area residents are concerned about the welfare of Salado Creek because runoff could take sediment from the Interstate 35 road construction into the creek.

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Texas, 23 other states sue EPA over 'Clean Power Plan'

'Clean Power Plan' requires decrease in carbon emissions

By Lauren McGaughy | October 23, 2015

2

AUSTIN - The state of Texas on Friday announced it is leading a 24-state lawsuit challenging the Obama administration's "Clean Power Plan," the second legal challenge the Attorney General Ken Paxton has mounted against the federal government in two days.

The plan, details of which the U.S. Environmental Protection Agency finalized earlier this year, requires every state to cut carbon emissions by 30 percent from 2005 levels by 2030. Unless they receive an extension, states have until September 2016 to plan how to implement the rule.

Texas and West Virginia, the nerve center of the coal industry, are leading the opposition. Paxton said the power plan was unlawful and would result in higher electricity bills.

"Once again, President Obama and his EPA have overstepped their legal authority and enacted a regulation that will dramatically raise Texans' electric bills and threaten the

reliability of the electric grid," Paxton said. "The Texas Attorney General's Office is leading a nationwide coalition, along with West Virginia, to prevent massive increases in electric bills that would hurt hard-working families, the elderly and the poor."

Environment Texas, an advocacy group based in Austin, criticized the move, citing recent University of Texas polling data that three out of four Texans believe global warming is occurring.

"In a month where we've seen new heat records, raging wildfires, and now the worst hurricane ever recorded, it is unconscionable that Attorney General Paxton is fighting this life-saving measure to combat dangerous global warming," said Director Luke Metzger. "Instead of representing the people, General Paxton is carrying water for big polluters. Texas needs to stop the dangerous obstructionism and get to work reducing pollution and moving Texas to a cleaner, healthier future."

This is the fifth time Paxton has sued the federal government since his election in November 2014; the state has sued the EPA many times since Obama took office. On Thursday, Paxton announced a lawsuit targeting a fee imposed on health insurers under the Affordable Care Act, or Obamacare.

Gov. Greg Abbott, formerly the attorney general, expressed support for the suit against the power plan. Abbott called the plan a "power grab" that threatens reliability of electricity

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service.

The Clean Power Plan was officially published in the Federal Register on Friday, sparking the flurry of suits.

The other states involved in the lawsuit are Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, North Carolina, Ohio, South Carolina, South Dakota, Utah, Wisconsin and Wyoming.



**Lauren
McGaughy**

Austin Bureau Reporter,
Houston Chronicle

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Oklahoma's attorney general files quick challenge to EPA carbon rule

The Environmental Protection Agency published the final rule in the Federal Register on Friday, and Attorney General Scott Pruitt said his office immediately filed a lawsuit in the federal appeals court for the District of Columbia.

by Paul Monies *Modified: October 23, 2015 at 9:58 pm • Published: October 24, 2015*

Oklahoma's attorney general filed another legal challenge Friday to the Obama administration's Clean Power Plan to reduce greenhouse gases from power plants.

The Environmental Protection Agency published the final rule in the Federal Register on Friday, and Attorney General Scott Pruitt said his office immediately filed a lawsuit in the federal appeals court for the District of Columbia.

Pruitt called the plan unlawful and said it threatens the reliability and affordability of power generation across the nation.

"It's an attempt by the administration to transfer decision-making on the fuels used to generate power from state policy makers to bureaucrats at the EPA," Pruitt said in a statement. "The results will be financially harmful for states and consumers ultimately will pay the price through much-higher utility rates and a less reliable power supply."

The petition for review marks the third legal challenge by Pruitt over the rule. His office unsuccessfully fought it at the draft stage, and joined together with more than a dozen states a few times in other challenges.

Meanwhile, a group of 24 other states led by West Virginia also filed a challenge on the rule Friday in the U.S. Court of Appeals for the District of Columbia Circuit.

Pruitt spokesman Aaron Cooper said Oklahoma didn't join that group so it could file a legal brief outlining the state's specific objections to the Clean Power Plan. The U.S. Chamber of Commerce filed its own challenge, which included more than a dozen business, manufacturing and industrial associations. It is expected the cases will be consolidated at some point.

Pruitt's office is being assisted by the law firm of Baker & Hostetler LLP in its latest challenge. Cooper said the law firm is donating its services to the state.

Baker & Hostetler attorney David Rivkin spoke on a panel moderated by Pruitt in May at the Southern Republican Leadership Conference in Oklahoma City.

"They're really trying to hurt coal on every possible regulatory means," Rivkin said then of the Obama administration's environmental regulations.

Most of the plan's effects will fall on coal generation, which has about twice the carbon dioxide emissions of natural gas. The concern is that it will force hundreds of coal plants into early retirement, risking grid reliability. Cheap natural gas from recent shale development also has hastened coal's decline in the utility sector.

Plan details

The Clean Power Plan calls for a nationwide reduction of greenhouse gases from power plants of 32 percent from 2005 levels by 2030. States can choose to meet a mass-based target of total greenhouse gas emissions, or a rate-based goal that puts limits on those emissions based on electricity generation per megawatt-hour.

Under the final rule, Oklahoma has to reduce its greenhouse gas emissions rate by 32 percent. If it chooses a mass-based approach, the state must reduce the emissions 24 percent by 2030. States have up to three years — until September 2018 — to develop a compliance plan. If states don't come up with a plan, the federal government will design one for them.

Oklahoma Gov. Mary Fallin issued an executive order earlier this year forbidding the submission of a state plan and supporting legal challenges against the rule. Fallin's office deferred comment to Michael Teague, the state's secretary of energy and environment.

"Now that the final Clean Power Plan is published in the Federal Register, our office will continue to support the attorney general's efforts challenging the legality of the rule," Teague said in a statement. "The governor's executive order is our current mandate and does not preclude Oklahoma state agencies from conducting due diligence efforts to understand the rule and its impacts on stakeholders."

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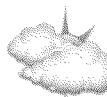


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24 states fighting directive on coal

Rutledge: Price of energy to rise

By Andrew Harris Bloomberg News and Spencer Willems Arkansas Democrat-Gazette
This article was published October 24, 2015 at 2:25 a.m.[Comments](#)

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President Barack Obama's 15-year plan to cut power plant carbon dioxide emissions and steer the U.S. toward renewable energy sources is under legal attack again.

The federal Environmental Protection Agency regulatory package known as the Clean Power Plan officially took effect Friday. It was immediately challenged by 24 states, led by West Virginia and including Arkansas, in a U.S. appeals court filing in Washington, D.C. Oklahoma filed a separate petition.

It's at least the third time the initiative has come under legal fire. Earlier challenges were rejected by federal judges as premature because the measure hadn't been published. The U.S. government no longer has that defense, leaving the regulations open to attack.

The first-ever national standards for addressing power plant carbon pollution, the Clean Power Plan aims by 2030 to reduce those emissions 32 percent below where they were in 2005. The rules require states and utilities to use less coal and more solar power, wind power and natural gas.

States are required to submit their initial plans for meeting those objectives by Sept. 6, 2016. Final plans must be submitted two years later.

The government has touted the initiative as "fair, flexible and designed to strengthen the fast-growing trend toward cleaner and lower-polluting American energy." Opponents have attacked it as an abuse of federal power that violates existing law and threatens the reliability of the power grid.

Arkansas Attorney General Leslie Rutledge on Friday issued a statement that described the new EPA standards as a "heavy-handed" overreach by the federal government.

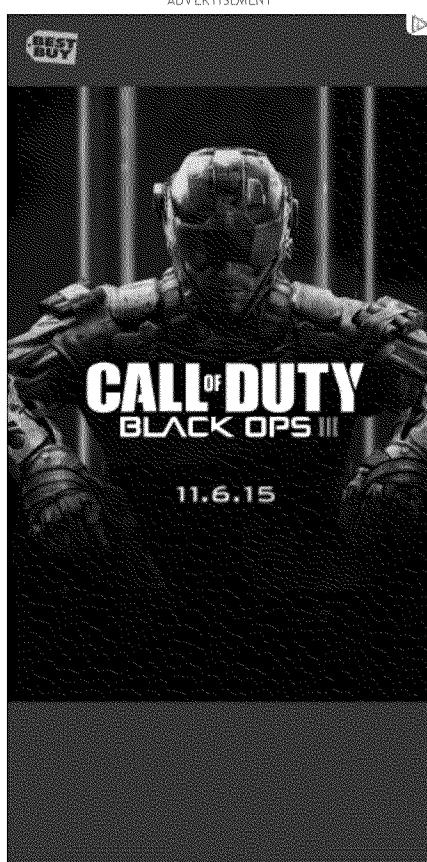
Rutledge contends that the increased regulations imposed by the new rule would hurt Arkansas consumers, who rely on coal-burning power plants for more than half of their energy.

"This unlawful rule will have serious and significant consequences," Rutledge wrote. "The impact will be felt in the pocketbooks of utility ratepayers. These increased costs will have a direct impact on the State's ability to grow good-paying jobs with fair, reasonable electric rates."

Glen Hooks, the head of the Arkansas chapter of the environmental group, the Sierra Club, issued a statement applauding the new rule, saying it will benefit the local economy and the health of Arkansans.

"While Arkansas' utilities, state agencies, and environmental groups are already working to reduce carbon pollution, Attorney General Rutledge is engaged in yet another attack on clean air protections," Hooks wrote. "Endless and expensive legal fights against clean air are not what we should get from our Attorney General, but it's sadly what we've come to expect."

An Entergy Arkansas official e-mailed a statement saying that the company is still looking at how the rule could affect stakeholders and consumers alike and "is still considering its litigation



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options." Entergy Arkansas operates coal-fired plants in Independence and Jefferson counties.

Sandra Byrd, a spokesman for the Arkansas Electric Cooperative Corp., said her company will not be involved in any legal challenges and it is focused on working with state energy and environmental regulators to put together a plan for complying with the new rules. The company owns or leases portions of four coal plants.

Announced by Obama and the EPA on Aug. 3, the Clean Power Plan is one of several conservation measures unveiled by the administration that faced immediate legal opposition.

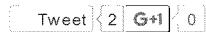
"This is the most far-reaching energy regulation in the nation's history," Republican West Virginia Attorney General Patrick Morrisey said in August, when he led a 15-state effort to put those earliest deadlines on hold.

The federal appeals court in Washington turned back that effort last month. The same court in June rejected earlier challenges by West Virginia and Murray Energy Corp., a coal company based in St. Clairsville, Ohio.

A federal appeals court in Cincinnati put on hold the president's plan to expand environmental protection of U.S. streams and wetlands after 18 states sued. An effort to regulate hydraulic fracturing, or fracking, was blocked by a federal judge in Casper, Wyo. The U.S. Interior Department's Bureau of Land Management lacked congressional authorization to impose those rules, the judge said.

Business on 10/24/2015

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General News

Fatal flow: Brine from oil, gas drilling fouls land, kills wildlife at alarming rate

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Published: 24 October 2015 11:04 PM

Updated: 25 October 2015 08:11 PM

CROSSROADS, N.M. — Carl Johnson and his son, Justin, who have complained for years about spills of oilfield wastewater where they raise cattle in the high plains of New Mexico, stroll across a 11/2-acre patch of sandy soil — lifeless, save for a scattering of stunted weeds.

Five years ago, a broken pipe soaked the land with as much as 420,000 gallons of wastewater, a salty drilling byproduct that killed the shrubs and grass. It was among dozens of spills that have damaged the Johnsons' grazing lands and made them worry about their groundwater.

"If we lose our water," Justin Johnson said, "that ruins our ranch."

Their plight illustrates a side effect of oil and gas production that has worsened with the past decade's drilling boom: spills of wastewater that foul the land, kill wildlife and threaten freshwater supplies.

An Associated Press analysis of data from leading oil- and gas-producing states found more than 180 million gallons of wastewater spilled from 2009 to 2014 in incidents involving ruptured pipes, overflowing storage tanks and even deliberate dumping. There were at least 21,651 individual spills. The numbers are incomplete because many releases go unreported.

Though oil spills get more attention, wastewater spills can be more damaging. Microbes in soil eventually degrade spilled oil. Not so with wastewater — also known as brine, produced

water or saltwater. Unless thoroughly cleansed, salt-saturated land dries up. Trees die. Crops cannot take root.

"Oil spills may look bad, but we know how to clean them up," said Kerry Sublette, a University of Tulsa environmental engineer. "Brine spills are much more difficult."

In addition to the extreme salinity, the fluids often contain heavy metals such as arsenic and mercury, plus radioactivity. Even smaller discharges affecting an acre or two gradually add up for landowners — "death by a thousand bee stings," said Don Shriber of Farmington, N.M., a cattleman who wrangled with an oil company over damage.

For animals, the results can be fatal. Ranchers, including Melvin Reed of Shidler, Okla., said they have lost cattle that lapped up the liquids or ate tainted grass.

"They get real thin. It messes them up," Reed said. "Sometimes you just have to shoot them."

Soaring numbers

The AP obtained data from Texas, North Dakota, California, Alaska, Colorado, New Mexico, Oklahoma, Wyoming, Kansas, Utah and Montana — states that account for more than 90 percent of U.S. onshore oil production. In 2009, there were 2,470 reported spills in the 11 states; by 2014, the total was 4,643. The amount spilled doubled from 21.1 million gallons in 2009 to 43 million in 2013.

Industry groups said waste is often recovered during cleanups, although some can soak into the ground.

"You're going to have spills in an industrial society," said Katie Brown, spokeswoman for Energy In Depth, a research arm of the Independent Petroleum Association of America. "But there are programs in place to reduce them."

Concentrated brine, much saltier than seawater, exists in rock thousands of feet underground. When oil and gas are pumped to the surface, the water comes up too, along with fluids and chemicals injected to crack open rock — the process known as hydraulic fracturing. Production of methane gas from coal deposits also generates wastewater, but it is less salty and harmful.

The spills usually occur as oil and gas are channeled to metal tanks for separation from the wastewater, and the water is delivered to a disposal site — usually an injection well that pumps it back underground. Pipelines, tank trucks and pits are involved.

Equipment malfunctions or human error cause most spills, according to state reports reviewed by the AP. Though no full accounting of damage exists, the scope is sketched out in

a sampling of incidents:

- In North Dakota, a spill of nearly 1 million gallons in 2006 caused a massive die-off of fish and plants in the Yellowstone River and a tributary. Cleanup costs approached \$2 million. Two larger spills since then scoured vegetation along an almost 2-mile stretch.
- Wastewater from pits seeped beneath a 6,000-acre cotton and nut farm near Bakersfield, Calif., and contaminated groundwater. Oil giant Aera Energy was ordered in 2009 to pay \$9 million to grower Fred Starrh, who had to remove 2,000 acres from production.
- Brine leaks exceeding 40 million gallons on the Fort Peck Indian Reservation in Montana polluted a river, private wells and the municipal water system in Poplar. “It was undrinkable,” said resident Donna Whitmer. “If you shook it up, it’d look all orange.” Under a 2012 settlement, oil companies agreed to monitor the town’s water supply and pay \$320,000 for improvements, including new wells.
- In Fort Stockton in West Texas, officials in February accused Bugington Energy of illegally dumping 3 million gallons of wastewater in pastures. The Middle Pecos Groundwater Conservation District levied a \$130,000 fine, alleging a threat to groundwater, but the company hasn’t paid, contending the district overstepped its authority.
- A pipeline joint failure caused flooding on Don Stoker’s ranch near Snyder in West Texas in November 2012, turning his hackberry shade trees into skeletons. Vacuum trucks sucked up some saltwater and the oil company paid damages, but Stoker said his operation was in turmoil. “I had to stay out there three days and watch them while they were getting the saltwater out, to make sure they didn’t totally destroy the whole area.”

‘Attached to the land’

The loudest whistleblowers about spills are often property owners, who must allow drilling access to their land if they don’t own the mineral rights.

“Most ranchers are very attached to the land,” said Jeff Henry, president of the Osage County Cattlemen’s Association in Oklahoma. “It’s where we derive our income, raise our families.”

Some are reluctant to complain about an industry that is the economic backbone of their communities.

“If they treat us right, we’re all friends of oil,” said Mike Artz, a grower in North Dakota’s Bottineau County who lost a 5-acre barley crop in 2013 after a saltwater pipeline rupture. “But right now, it’s just a horse running without the bridle.”

Tessa Sandstrom of the North Dakota Petroleum Council said the industry is supporting

research on spill prevention and land restoration. When spills do happen, she said, most are cleaned up within a year, with tainted soil cleansed or replaced.

In New Mexico, the Johnson ranchers said the site of their 2010 spill has not returned to life, despite a restoration effort.

"It will never, ever be like it was," said Justin Johnson. "It will never fully recover."

John Flesher,

The Associated Press

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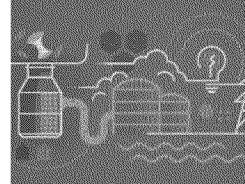
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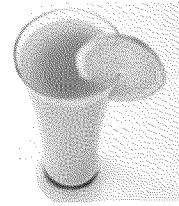
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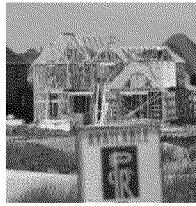
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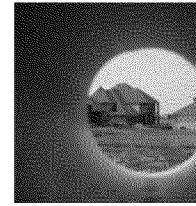
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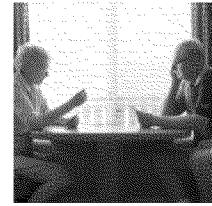
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Oklahoma Earthquakes Are a National Security Threat

North America's biggest commercial oil storage hub is already on guard against terrorism, but quakes could prove the bigger risk.

Daniel Acker/Bloomberg

Matthew Philips

October 23, 2015 — 10:14 AM CDT

In the months after Sept. 11, 2001, as U.S. security officials assessed the top targets for potential terrorist attacks, the small town of Cushing, Okla., received special attention. Even though it is home to fewer than 10,000 people, Cushing is the largest commercial oil storage hub in North America, second only in size to the U.S. government's Strategic Petroleum Reserve. The small town's giant tanks, some big enough to fit a Boeing 747 jet inside, were filled with around 10 million barrels of crude at the time, an obvious target for someone looking to disrupt America's economy and energy supply.

The FBI, state and local law enforcement and emergency officials, and the energy companies that own the tanks formed a group called the Safety Alliance of Cushing. Soon, guards took up posts along the perimeter of storage facilities and newly installed cameras kept constant surveillance. References to the giant tanks and pipelines were removed from the Cushing Chamber of Commerce website. In 2004, the Safety Alliance simulated a series of emergencies: an explosion, a fire, a hostage situation.

After the shale boom added millions of additional barrels to Cushing, its tanks swelled to a peak hoard of more than 60 million barrels this spring. That's about as much petroleum as the U.S. uses in three days, and it's more than six times the quantity that triggered security concerns after Sept. 11. The Safety Alliance has remained vigilant, even staging tornado simulations after a few close calls.

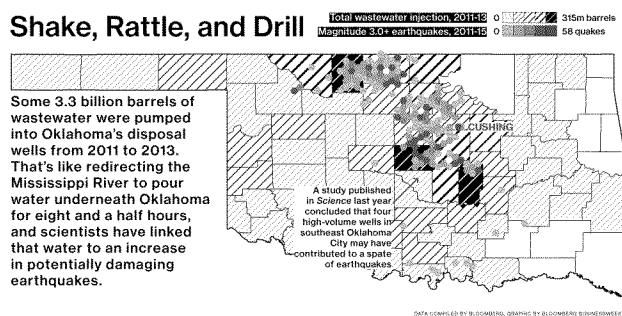
Now the massive oil stockpile faces an emerging threat: earthquakes. In the past month, a flurry of quakes have hit within a few miles of Cushing, rattling the town and its massive tanks. According to the Oklahoma Geological Survey, more than a dozen quakes have registered 3.0 or higher on the Richter scale within a few miles of Cushing since mid-September. The biggest, registering at 4.5, hit about three miles away on Oct. 10.

This is all part of the disturbing rise in earthquakes in Oklahoma, which has corresponded to increased fracking activity and oil production in the state. Since 2008, Oklahoma has gone from averaging fewer than two earthquakes

per year that measure at least 3.0 in magnitude to surpassing California as the most seismically active state in the continental U.S. This year, Oklahoma is on pace to endure close to 1,000 earthquakes. Scientists at the National Earthquake Information Center in Colorado recently published a paper (PDF) raising concerns that the welter of moderate-sized earthquakes around Cushing could increase the risk of larger quakes in the future.

Seismologists believe the quakes are the result of wastewater injection wells used by the fracking industry. Horizontal oil wells in Oklahoma can produce as many as nine or 10 barrels of salty, toxin-laced water for every barrel of oil. Much of that fluid is injected back underground into wastewater disposal wells. It is this water, injected near faults, that many seismologists—including those at the U.S. Geological Survey—say has caused the spike in earthquakes.

Shake, Rattle, and Drill



The role that fracking plays in the rise of earthquakes has been hugely controversial in Oklahoma, where one in five jobs is tied to the oil and gas industry. This year, as Bloomberg reported, seismologists at the Oklahoma Geological Survey were pressured by oil companies not to make a link between the earthquakes and fracking-related wastewater injection wells. Under the weight of mounting scientific evidence, Republican Governor Mary Fallin's administration in April finally acknowledged the role fracking played in earthquake activity.

In June, the Oklahoma Supreme Court said that a woman injured in an earthquake could sue an Oklahoma oil company for damages. That company, Tulsa-based New Dominion, is one of the pioneers of a new breed of high-volume wastewater injection wells that can suck down millions of barrels of water and bury it deep underground. In April, *Bloomberg Businessweek* profiled David Chernicky, its charismatic founder and chairman.

Now that quakes appear to have migrated closer to Cushing, the issue of what to do about them has morphed from a state issue to one of natural security. The oil in Cushing props up the \$179 billion in West Texas Intermediate futures and options contracts traded on the New York Mercantile Exchange. Not only is Cushing crucial to the financial side of the oil market, it is integral to the way physical crude flows around the country. As U.S. oil production has nearly doubled over the past six years, Cushing has become an important stop in getting oil down from the Bakken fields of North Dakota and into refineries along the U.S. Gulf Coast. If even a couple of Cushing's tanks had to shut down, or a pipeline were damaged, the impact could ripple through the market, probably pushing prices up. That outcome is especially likely if a spill were to knock Cushing offline for a period of time—a scenario

no less dangerous than a potential terrorist attack.



Pipelines run toward oil storage tanks stand at the Enbridge Cushing storage terminal. Daniel Acker/Bloomberg

"Induced seismicity is the most terrifying of all the fracking risks," said Kevin Book, managing director of Clearview Energy Partners, a Washington-based consultancy. The fact that more quakes appear to be getting closer to Cushing is "definitely concerning," said Book. "Anything that puts those tank farms at risk is very serious."

So far, no damage has been reported by companies that own the tanks. Michael Barnes, a spokesperson for Enbridge, a Canadian company that owns the largest tank capacity in Cushing, said employees checked for signs of damage around the facility after the Oct. 10 quake and found none. Enbridge has not made changes to its emergency or disaster plans in light of the quakes.

The local fire and police departments have updated their emergency response plans to include information related to earthquake safety. "We're fairly new to earthquakes in Oklahoma," said Chris Pixler, Cushing's fire chief. "We've always been good at preparing for fires and tornados, and now we're making some changes we felt were necessary in terms of getting information out to citizens about earthquake safety."

Each tank in Cushing is surrounded by a clay-lined berm designed to contain the oil in the event of a rupture. Thousands of miles of pipelines stretch beneath Cushing, connecting it to distribution hubs all over the country. It's those arteries that we should be most concerned about getting damaged in an earthquake, said John Kilduff, a partner at Again Capital, a hedge fund that focuses on energy. "Losing some of that pipeline infrastructure could be devastating for a time," Kilduff said. If enough damage occurred, "It could prompt an energy crisis if oil couldn't flow the way we need it to."

State regulators are already taking action. Last month the Oklahoma Corporation Commission, which oversees oil and gas, ordered wells within three miles to shut down entirely and those between three and six miles from the town to reduce their volume by 25 percent. On Oct. 10, the OCC put all wastewater injection wells within 10 miles of

to reduce their volume by 25 percent. On Oct. 19, the OCC put all wastewater injection wells within 10 miles of Cushing on notice. Getting to the bottom of the state's earthquake flurry poses a huge test for the embattled OCC, which is short on staff and has historically had close ties to the oil and gas industry it regulates. The regulator has typically dealt with environmental hazards such as oil spills, not issues of seismic activity. "They not only have to reassure their own constituents they are up to the job, but the federal government as well," said Book. "They're one big event away from a significant federal response."

The Obama administration has largely stayed out of the issue. Last month, however, the Environmental Protection Agency urged the OCC to "implement additional regulatory actions." The past week has been relatively calm around Cushing, with only a couple of minor rumblings that didn't hit nearby. For now, however, the threat of quakes has the city on higher alert than the threat of a terror strike.

- Environmental Protection Agency • Oklahoma • Earthquakes • Oil • National Security • Fracking



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Changes OK'd to river markers

Skeptical, EPA tells agency

By Emily Walkenhorst [twitter](#)

This article was published October 24, 2015 at 3:09 a.m.

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The Arkansas Pollution Control and Ecology Commission approved new minerals standards Friday for parts of the Red River and the Little River that will now be reviewed by the U.S Environmental Protection Agency, which has expressed concerns about the new standards.

The new standards reflect the current conditions of the rivers and place the Arkansas standards for the rivers on par with those of neighboring states.

Allan Gates, an attorney representing the Domtar paper company and Southwestern Electric Power Co., said the change will keep the rivers from being considered impaired streams and keep the two companies from having to meet stricter standards related to that designation.

He said the conditions of the rivers are impacted very little by what the companies do and that the high mineral content in the water is primarily related to minerals coming in from other states, such as naturally high salt content in the Red River in Texas and Oklahoma.

The rule approved Friday also calls for the removal of the drinking-water designations for both rivers, neither of which are used for drinking water, and for an increase in water-temperature standards. The latter change would reflect the current temperature.

SWEPCO, which owns and operates the John W. Turk Jr. Power Plant in Fulton, is seeking permission to increase the concentration of minerals in the Red River from the mouth of the Little River to the Louisiana state line and to remove the unused drinking-water designation from that same area.

It also wants permission to increase the standard temperature of the water in the Little River, from Millwood Lake to the Red River, from 86 degrees to 89.6 degrees.

Montreal-based Domtar Corp., which operates a paper mill in Ashdown along the Red River, is asking to increase the concentration of minerals in the Red River from the Oklahoma state line to the mouth of the Little River and to increase the concentration of sulfate from the mouth of the Little River to the Louisiana state line.

Neither company is planning on increasing the amount of minerals they discharge into the rivers, Gates said. The commission on Friday approved the rule-making, first proposed last year, without dissent.

The changes now head to the EPA, which wrote two letters to the state Department of Environmental Quality this week that outline the agency's concern about the changes based on what it says is insufficient research.

"We are concerned that the supporting use attainability analysis (UAA) did not provide a clear basis to support the contention that only naturally occurring sources of TDS are causing the impairment in the Little River," Russell Nelson, regional standards coordinator in the watershed management section for the EPA in Dallas, wrote Tuesday in reference to the SWEPCO request.

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"TDS" refers to total dissolved solids, also known as minerals.

In a Thursday letter regarding the Domtar request, Nelson wrote that "there is limited information supporting the proposed 3rd party rule."

Gates told the commission that he believed that the EPA concerns were largely based on misunderstandings and that he would be able to work it out with the agency.

"We feel confident we can address these issues," he told the commission.

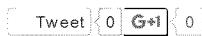
After the meeting, Gates said he believes that the EPA thinks the companies' research and methodology did not include study of possible man-made causes of pollution in the river.

However, Gates said the study did acknowledge man-made pollution related to the oil and gas industry in Texas and Louisiana.

"We plan to work diligently with the department to answer the EPA's concerns," he said.

Metro on 10/24/2015

Print Headline: Changes OK'd to river markers



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Udall, Heinrich, And Luján Respond To Evaluation Of Gold King Mine Spill

By OFFICE OF U.S. SENATOR TOM UDALL • OCT 23, 2015

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Thursday, U.S. Senators Tom Udall and Martin Heinrich and U.S. Representative Ben Ray Luján responded to the U.S. Bureau of Reclamation's Technical Evaluation of the Gold King Mine Incident.

The report found that responsibility for the mine blowout, which spilled 3 million gallons of wastewater into rivers in New Mexico and Colorado, rests with the Environmental Protection Agency (EPA). The report points out that an EPA mine remediation crew attempting to reopen the mine failed to take into consideration the engineering complexity and miscalculated the water level inside the mine, which led directly to the failure.

(http://mediad.publicbroadcasting.net/p/krwg/files/styles/x_large/public/201510/Udall.jpeg)

CREDIT OFFICE OF US SENATOR TOM UDALL (D-NM)

The lawmakers released the following joint statement:

"This report sheds more light on the serious mistakes that sent millions of gallons of polluted water through the San Juan and Animas rivers in New Mexico. Farmers on the Navajo Nation and others throughout San Juan County are still struggling with the devastating combination of the loss of water for their crops and concerns about lingering pollution in the soil and groundwater. This report

also underscores why the agency must take responsibility to make these communities whole. That includes compensation for farmers and others who were affected, and the cost of water monitoring efforts by the state of New Mexico and the Navajo Nation.

"We have introduced bills in the Senate and House that would ensure the EPA compensates those who have had losses and damages, and continues to work with the community to test water quality. But we also must take action to ensure an accident like this never happens again. The Gold King Mine blowout should be a wake-up call to the nation about threats posed by the thousands of abandoned mines throughout the West. Today's report shows how easily a few mistakes could lead to another terrible accident.

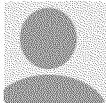
Next week, Senator Heinrich and Senator Udall will be introducing Senate legislation—which complements legislation supported by Representative Luján in the House—that will reform our antiquated hardrock mining laws and ensure mining companies pay their fair share so that taxpayers aren't on the hook for future disasters."

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Colorado residents seek cleanup of festering inactive mines

Posted: 10/25/2015 12:01:00 AM MDT

DenverPost.com

- Oct 23:
- New Mexico environment secretary questions Colorado mine spill review
- Navajo: FEMA denies Colorado mine spill emergency declaration request
- Oct 22:
- Review: Gold King Mine spill was preventable, disaster potential not understood
- Oct 19:
- EPA: Colorado mine spill water treatment system proving effective
- Oct 17:
- EPA: Gold King Mine water treatment operations have begun
- Oct 8:
- EPA crew at Standard Mine above Crested Butte triggers waste spill

CRESTED BUTTE — Toxic mines hang over this haven for wildflowers, contaminating water and driving residents — like counterparts statewide — to press for better protection.

A local group went to federal court this month seeking long-term assurances that a water-treatment plant will always remain open as the collapsed tunnels and heaps of tailings leak an acid mix of heavy metals: arsenic, cadmium, zinc and others.

State data show these contaminants reaching Coal Creek — the primary water source for Crested Butte and the Gunnison Valley's green pastures — at levels exceeding health standards.

"A lot of people are nervous," said Alli Melton of High Country Conservation Advocates. "We'd like to get it as clean as possible."

Municipal officials in Nederland, Georgetown, Breckenridge and other mountain towns also urge faster cleanup of festering inactive mines after the Aug. 5 Gold King Mine disaster, where an Environmental Protection Agency team triggered a spill of 3 million gallons that turned the Animas River mustard yellow.

Tens of thousands of inactive mines in Western states continue to taint headwaters of the nation's rivers, including an estimated 230 sites in Colorado where state officials have documented bit-by-bit degradation of waterways.

But stopping the harm — even as clean water increasingly is coveted — remains technically and politically difficult.

Congressional efforts to create a national cleanup fund haven't gotten off the ground. Gov. John Hickenlooper and fellow Western governors are trying to sort out liability and funding to spur cleanups. State lawmakers are asking questions.

Five miles west of Crested Butte at Standard Mine, the EPA a decade ago declared an environmental disaster and launched an \$8 million Superfund cleanup. EPA contractors currently are designing a "flow-through" bulkhead plug that could partially block mine drainage before it

contaminates the valley.

That's a tricky approach because bulkheads can back up muck and cause it to rocket out elsewhere — poisoning more land and water. At Gold King Mine, a bulkhead in nearby Sunnyside Mine may have set up the deluge the EPA set off.



Norm Henderson stands in the Argo Tunnel in Idaho Springs, Colorado, September 02, 2015. Henderson works at a water treatment plant that cleans pollution

At Keystone Mine — on the side of Mount Emmons, where U.S. Energy Corp. owners propose to start mining again — a water-treatment plant filters 350 gallons a minute of metals-laden waste. Gunnison Valley water depends on that plant — which financially shaky U.S. Energy runs at a cost of \$1.8 million a year — to keep acid drainage from worsening the contamination of Coal Creek. Near Gold King Mine, a water-treatment plant had failed for lack of funds.

"The Gold King spill really shook us,"

Crested Butte museum manager Jim Kalney said. "It's only a matter of time until the water builds up to such a level it may start leaking. ... Whatever they can do to get that cleaned up, I'm in favor of it. We need to protect the water of the town."

The High Country Conservation Advocates' lawsuit seeks financial assurance from U.S. Energy to guarantee that treatment of Keystone Mine drainage would continue if the company closes. High Country Conservation targeted the U.S. Forest Service, because mining activities occur on federal land, accusing the feds of failing to collect, as required, financial assurance bond money.

In a 2012 memo, Forest Service officials acknowledged they're required to do this. Agency officials this month declined to discuss the allegations.

Crested Butte Mayor Aaron Huckstep and the Gunnison County commissioners support residents, asking state health officials, in an Aug. 18 letter, "to protect the public against the environmental and human health catastrophe that would ensue" if U.S. Energy failed to operate the plant.

"The Gold King Mine incident demonstrated the harm that can come from these circumstances," Huckstep said. "That is front and center in the minds of folks in this town. We have felt, for quite some time, that we don't have the financial wherewithal to take over operation of a plant like that, and we don't see available money from the state or federal government to transfer ownership and operation of those types of plants. The burden seems to be on the town. That's a pretty hefty burden."

Gunnison Valley residents "want assurances the company will have the financial wherewithal to continue. That's the town's water supply," Commissioner Paula Swenson said. "They're legally

responsible to maintain that water treatment plant — forever. ... How else do we have any assurance the water will stay clear in Crested Butte?"

U.S. Energy chief David Veltri said he was unaware of the lawsuit. He pointed to steady operation of the plant for more than 20 years.

"We have to maintain it, so we do," Veltri said. "U.S. Energy has been in business for 49 years, through good times and bad. We'll be there for a long time. We have no plans to go anywhere."

The company has been cutting costs, however, after the resignation of its CEO in September, igniting residents' worries. New mining on Mt. Emmons — elevation 12,392 feet and revered as "the Red Lady" — is on hold.

"Right now," Veltri said, "molybdenum prices are way too low to develop the mine."

Problems at mines

The old mines leaking above Crested Butte exemplify problems at the estimated 230 inactive mines statewide that health and natural resources officials know are contaminating waterways.

West of Boulder above Nederland, a plug blocking waste in Swathmore Mine popped loose around Sept. 20, turning the Middle Boulder Creek orange. A hiker noticed and alerted Nederland authorities. Firefighters raced to the mine, followed by the EPA, town administrator Alisha Reis said.

"We routinely see orange iron runoff in the spring. It is a fact of life around here. And definitely, post-Gold King, folks are more aware than usual," Reis said. "We pay to do our own water testing. It is in our interest, if we have anything happening — to be sure we know the nature of any release and what we need to do to handle it. That is our watershed. We're always incredibly vigilant about protecting our watershed."

In Georgetown along Interstate 70, town leaders last summer implemented a watershed-protection plan that focuses on threats from mining, town administrator Tom Hale said. Town officials also encourage the Forest Service to clean up old mines on federal land.

Breckenridge projects to make more open space available for recreation increasingly collide with toxic mine waste.

Acid drainage and water leaching through tailings have poisoned French Creek and Blue River to the point that fish cannot reproduce, town manager Tim Gagen said. Breckenridge recently was forced to embark on water treatment at a 1,800-acre site southwest of town, Gagen said.

"The problem with these old mines is tunnels go for miles underneath the mountains and they have different leakage points that you can't detect," he said.

An association of mountain resorts has had the issue of toxic mines on its agenda for years, and the Gold King and Crested Butte situations probably will make protection, if not final cleanup, more of a priority, he said.

Statewide, drainage from inactive mines is the main cause of harm to rivers and streams, according to the Colorado Department of Public Health and Environment — a problem that has left 1,645 miles of waterways classified as "impaired."

And the specific heavy-metal contaminants trickling into Coal Creek above Crested Butte are among the most pernicious. The CDPHE has found cancer-causing cadmium contaminating 809 miles of rivers statewide. Arsenic contaminates 244 miles. Lead contaminates 185 miles. Manganese contaminates 403 miles. And zinc, lethal for fish, contaminates 907 miles.

Handling toxic mines

Methods for dealing with toxic mines include rerouting streams around tailings, installation of various bulkheads, and building water treatment plants.

Yet, at the federal level, there's no dedicated funding for cleanup — other than Superfund money that may or may not follow an official declaration of environmental disaster — which usually requires support from a governor.

Colorado officials said state funds are even more limited.

"We will continue to direct available time and resources to the highest priority sites where we can have an impact," state spokesman Todd Hartman said.

In Congress, staffers for Sen. Michael Bennet said he's still working on a bill with New Mexico senators to reform the 1872 law that governs hard-rock mining — aiming to charge companies royalties to create a cleanup fund. Bennet, Sen. Cory Gardner and Rep. Scott Tipton also are working on legislation to shield groups that embark on voluntary cleanups from liability for accidents.

Meanwhile, Western governors are discussing the problem.

"These are all conditions that were created by previous generations. And there's a resistance to the present generation wanting to pay for it — because it is expensive," Hickenlooper said. "To address all the issues, just at the mines in Colorado, you're looking at billions of dollars."

"(Western governors) are looking at that, and looking at how do we cobble together some local funding and some federal funding? What would that look like? And what timeline is reasonable? How do you prioritize what comes first?"

Hickenlooper adviser John Swartout, who was working on the issue recently in Washington, D.C., said towns seeking Superfund intervention may face a stigma without necessarily receiving funding for cleanup. "(But) because of this terrible accident," Swartout said, "it is the right time to have this conversation and have it result in some legislation."

For some residents, Superfund stigma is the least of their worries, and waiting on Congress appears futile.

Earlier this month, an EPA crew working on Standard Mine accidentally triggered another spill —

of only about 500 gallons — and blamed it on a vacuum truck dipping too low into metals-laced sludge that spilled into Elk Creek, which flows into Coal Creek. No major harm to town water was expected.

For assurance, the Coal Creek Watershed Coalition expanded its water testing and was waiting for results. While Crested Butte's town water-treatment plant purifies water before it reaches households, the plant manager said it couldn't handle a massive toxic spill.

Even after this hiccup, the EPA, working in partnership with the coalition to contain acid waste from Standard Mine — and possibly, in the future, Keystone Mine — holds the greatest promise for protection, said Steve Glazer, a resident of Crested Butte since 1969 and president of the watershed coalition.

The coalition is looking for ways to expand water monitoring to include groundwater, which may be contaminated and reaching Coal Creek, Glazer said. And residents want to make sure current contamination isn't hurting children and residents whose immune systems may be relatively weak, he said.

"We'd like Congress to be much more proactive. It's unfortunate they politicize everything they do. They can't agree to blow their nose. It's unfortunate there's so much dysfunction in national politics," he said. "We have a problem. How can we fix it? We're moving forward. The reason this unfortunate accident happened (Oct. 6) is that we're doing something. We're not just sitting around. When you're active, and you have a potentially dangerous site, things happen."

Bruce Finley: 303-954-1700, bfinley@denverpost.com or @finleybruce

Baker Hughes reveals test results on water contamination

By Brandon Mulder bmulder@mrt.com | Posted: Saturday, October 24, 2015 11:45 pm

Baker Hughes is taking steps forward in addressing a water contamination concern for a county neighborhood along Interstate 20. Last summer, a Baker Hughes monitoring water well detected inexplicably high levels of chlorinated solvents in groundwater sources.

By late August, the company was directing residents to avoid using or drinking the water until well samples could be tested. And now, residents have begun receiving letters detailing the impact of the contamination.

Of the 114 residential wells sampled throughout the sample area, half of the wells indicated a chemical presence, and 22 of those wells indicated solvent chemical concentrations at levels that exceeded EPA drinking water standards, according to a company official.

The majority of the wells with amounts exceeding EPA standards were located within the north-central portion of the sampling area, which contains several blocks generally between County Road 1225 and County Road 1221 south of the interstate, a company official said. However, exact locations are not being released.

Since test results were made available, the company has taken a number of steps toward remediation, including having installed long-term water filtration systems on wells with trace amounts of contamination above 1 part per billion. As an extra precautionary measure, the company is also in the process of installing filtration systems on properties directly adjacent to contaminated wells.

Additionally, Baker Hughes has installed a network of 12 monitoring wells that will track any movement of contaminants through the underground aquifer.

"The current focus is on preventing exposure to the impacted groundwater, providing public notice, and ensuring that the extent of the impact is defined," said a spokeswoman with the Texas Commission on Environmental Quality. "Baker Hughes will also be required to perform corrective action under the oversight of the TCEQ to remediate any contamination as necessary, and to monitor and respond to any migration to the contaminated groundwater."

The spike in chemicals was discovered in May when a groundwater monitoring system north of I-20 detected high levels of the solvents. The monitoring system was put in place after it was discovered in 1990 that a Baker Hughes location along the interstate had solvents permeating underground water sources, possibly from a leak in a storage tank.

The exact source of the chemicals spike last summer has yet to be determined and no further details have yet to be released on the investigation, according to a Baker Hughes official. However, the chemical profile of the newly discovered contaminants matches the profile of those that were released into groundwater sources in 1990, the official said. The company stopped using these solvents in 2004 after setting new environmental standards.

"Tests conducted in July 2015 indicate that groundwater in the area south of I-20 may contain dichloroethene, trichloroethene and tetrachloroethene," read a letter that was distributed to residents in August. "Concentrations are low, in the parts per billion range, but above drinking water standards defined by the U.S. Environmental Protection Agency."

TCEQ, Baker Hughes and other undisclosed industrial neighbors in the area are working to establish a "remediation action plan" that will confirm the source of the chemicals and devise a remediation plan, according to the company. No further details on this plan are available at this time.

In September, the company set up a Family Assistance Area at the Solid Rock Fellowship Church in an effort to disseminate information, fresh water-bottles and filtering mechanisms to neighborhood residents. That operation was phased out later that month.

"It was my understanding that Baker Hughes was bending over backward to rectify and correct the problem," said John Love, District 2 City Council member. "So that's what I'm expecting that they are doing. And hopefully that's what they're doing."

Greater New Orleans

Mighty Mississippi River can rebuild the land we've lost: Hal Herring



Boats pass the mouth of the Mississippi River at Pass a Lutra July 10, 2010. (Dinah Rogers, NOLA.com | The Times-Picayune archives)



[\[http://connect.nola.com/user/nolatpconwri/index.html\]](http://connect.nola.com/user/nolatpconwri/index.html) By Contributing writer, The Times-Picayune
[\[http://connect.nola.com/user/nolatpconwri/posts.html\]](http://connect.nola.com/user/nolatpconwri/posts.html)

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on October 23, 2015 at 12:02 PM, updated October 23, 2015 at 12:20 PM

Hal Herring is a contributing editor at Field and Stream.

We are losing what we love. Whether you are watching the chop breaking over what used to be the orange groves of Leeville, running full speed across what was once Bayou Auguste west of Buras, or in any of 10,000 hidden places in the Sportsman's Paradise, the epic scale of land loss in the Louisiana Delta is no abstraction for the hunters and fishermen who know the place best.

We all know the dry facts of it, from every newspaper and magazine: "this is the fastest disappearing land mass on earth;" or "We're losing a football field's worth

THE FUTURE OF NEW ORLEANS

National budget crisis could decimate affordable housing in New Orleans
[\[http://www.nola.com/politics/index.ssf\]](http://www.nola.com/politics/index.ssf)

Mighty Mississippi River can rebuild the land we've lost: Hal Herring
[\[http://www.nola.com/futureofneworleans\]](http://www.nola.com/futureofneworleans)

The Future of Hollywood South: Are tax credits critical to its survival?
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Struggling neighborhoods need partners, not saviors: Anna Monhartova
[\[http://www.nola.com/futureofneworleans\]](http://www.nola.com/futureofneworleans)

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[\[http://topics.nola.com/tag/future-of-new-orleans/posts.html\]](http://topics.nola.com/tag/future-of-new-orleans/posts.html)

[\[http://www.nola.com/environment/index.ssf/2011/06/louisiana_is_losing_a_football.html\]](http://www.nola.com/environment/index.ssf/2011/06/louisiana_is_losing_a_football.html) of land every hour;" and "13 to 19 square miles of wetlands lost every year." But the words mean nothing compared to seeing the places you know and love disappear. It's a wiping away of our own lives — here the gray duck hole where we shot with our grandfather, gone to salt and open water,

there the camphouse where we had so many good times, reduced to a scatter of pilings, taken by storm surge that would have been soaked up by miles of marsh and chenier less than 20 years ago. Memories, history, redfish, teal and trout — the experiences that our kids and grandkids could have, the real freedom and treasures of the marshes and the bayous, replaced by open ocean.

It would be bad enough if this were just the way of the world, an unstoppable force of nature devouring our coast and with it our fishing, hunting, and what adds up to 40 percent of all the seafood harvested in the United States. But it is not just a force of nature. We caused the problem, first and foremost by leveeing the Mississippi River and shutting off the flow of fresh water and sediment to the marshes. What seemed like a good idea 100 years ago, when flood control was our only goal, is killing us today. And right now, we can start to fix it, using the mightiest piece of equipment known to man — the Mississippi River and the 22 million cubic yards of sand and rich heartland mud that it carries right by us every year. This is the same sand and mud that built southern Louisiana and is the lifeblood of the marshes that produce the feast of waterfowl and untold tons of fish and oysters that have brought human beings here like moths to a flame for thousands of years.

What are we doing with that lifeblood now? We spend \$80 million to \$100 million a year to dredge it out of Southwest Pass alone and let it pour off the Continental Shelf in the Gulf. We pay endless fortunes in taxpayer money to get rid of the one resource that is, in the case of southern Louisiana's future, more precious than gold, and one that is delivered to us free of charge, every year, forever.

Nobody is saying that we can rebuild the 2,000 some-odd square miles of land and marsh lost over the past 80 years. There's no turning the clock back, and we don't need to, anyway. We just need to take action now, using the most powerful resources available to us — the mighty Mississippi current and the land it carries.

What does this mean, in simple terms? It means to create sediment diversions in specific places along the river, letting the river do what it has done so well for the past 7,000 years, which is build land. These sediment diversions [http://www.nola.com/environment/index.ssf/2015/10/historic_vote_moves_two_missis.html] are sited where they will produce the most bang for the buck — to restore marshes that act as critical storm buffers (as well as produce seafood and winter habitat for waterfowl) and to multiply the best effects of land-building operations conducted with dredging and slurry pipelines or whatever else we choose.

It's an all-of-the-above strategy that combines everything we know about restoring marshes and building land and slowing or halting further land loss in the most important parts of the Delta. That is the muscle and bone of the Louisiana Master Plan, [http://www.nola.com/environment/index.ssf/2012/01/louisiana_releases_50-year_blu.html] an ambitious 50 year, \$50 billion visionary path forward that has already been vetted by some of the world's most respected coastal restoration scientists and engineers.

The draft of the Master Plan went through an extensive public comment period where it drew overwhelming support from the people who are and will be most affected by whatever is to come: the people living and working on our coast. It is supported because it does not pretend to offer a silver bullet approach to solving a complex problem 100 years in the making. Instead the plan lays out a pragmatic suite of projects that will work together to stop land loss and start to rebuild and restore. It's ambitious and large-scale, matched to the scale of the problem.

Fundamental to the success of the master plan is a series of 10 major diversions that will bring fresh water and sediment from the Mississippi and Atchafalaya rivers into the marshes and basins where it is needed most. Unlike the land-building operations conducted by dredge and slurry pipelines, diversions mimic the natural processes of the rivers and create the kind of healthy marsh that in turn catches and holds more sediment, including the rich mix of seeds and loam. This is a compounding that eventually makes dry land and forests, the kind of landscapes that hold fast in the face of big storms and break the force of surge and salt water. A project like the Mid-Barataria sediment diversion, planned for the west bank of the Mississippi River near the community of Myrtle Grove, has the potential to build as much as 22 square miles of land over the next 20 years, using nothing but the power of the river itself.

When you have that kind of natural marsh and land building working in tandem with dredging and slurry pipeline operations that reinforce barrier islands and rebuild headlands, add-in a few projects to block the killing flow of salt water up crucial arteries like the Calcasieu River, you have a powerful brew that can cure the lethal ailment of losing land and all that goes with it.

Southern Louisiana is not doomed. We do not have to fiddle and argue as if we had all the time in the world, as one of the richest landscapes on earth melts into the bleak ocean. We have the plan, the money and the expertise to act now to keep what we cannot live without.



What's wrong with that?

| Posted: Friday, October 23, 2015 9:28 am

The Tar Creek Superfund Site got some good news this week and the good news will keep coming. With the butterfly project the Miami Tribe will be doing, planting milkweed on their property and the Quapaw Tribe receiving nearly \$10 million to clean up 100 acres of extremely contaminated land just outside Commerce, Ottawa County got the kind of news we have been waiting to hear.

We have received requests at LEAD Agency from local residents on how to help the butterflies, but what we do for the butterflies can be helpful for the bees and both need help. Way stations for the pollinators are needed all over Ottawa County. We are on the migration route millions of butterflies will fly. Several years ago it was rather popular to plant butterfly gardens and we want to encourage planting not only milkweed, but also the other flowers they thrive on during their travels.

If you have rural property, consider allowing the wildflowers along the fence to bloom next year, you get the enjoyment of seeing them, butterflies and bees will need them for nourishment and sustenance, and the wild flowers in the city limits can be beautiful and tolerant of our climate making them easy to grow. Did you ever know anyone who had to water their wildflowers?

We met a couple who have just moved to the area and are into sustainable gardening, and after having a look at their garden we got to eat a salad they grew. They had a movable chicken house with a light weight fence so the hens would have run around room. Every few days, they move the house and fencing to another spot on their property, so the land is not overused.

While on a super fast train in Scotland, near Nairn, I saw the same setup, but somewhat larger. The chicken houses all had solar panels on them that would open the doors in the morning and close them in the evening to protect the chickens from weather and predators and a big fenced yard for the chickens to run free all day. These were also moved every few days so the land would not be saturated and the chickens would have fresh grass to check out and the chickens and the nearby residents had fresh air to breathe.

I loved that those chicken houses were near Nairn, Scotland, since Oklahoma University's Bob Nairn is the environmental engineer who has designed the passive water treatment project in Commerce. and will be directing the work on the second project near the Commerce High School soon. Nairns are into sustainability!

Back to the Future, no, back to the Quapaws. The tribe has been cleaning up small portions of contaminated lands in the Tar Creek Superfund site, but with the latest award, of \$9.5 million, they will address the northern edge of Commerce. Important work for the Quapaws, being the first tribal nation to receive EPA funding to clean up their own land, and now awarded an even larger tract of land to address the cleanup required.

"We are proud of what we're doing at Tar Creek," Quapaw Chairman John Berrey said, "we can make this land usable and beautiful again."

"Generations of Quapaw people and those of other tribes in the region have suffered because of the pollution," he said. "We are the biggest stakeholders in what happens here," Berrey said.

Early in the week I spoke in the Environmental Justice class taught by Noah Theriault, an associate professor in the Department of International and Area Studies on the University of Oklahoma campus. The room was full of more of the earth's best stakeholders. These bright students have taken on projects literally around the world, they will complete them and they will do more. I felt as if the hope of the world sat in that room and must also be in classrooms around the country, and around the world.

Bright dedicated people are following us, with sustainable ways who will be friends of the earth, not just users. We can rest soon knowing the earth is in better hands, hands not afraid to get dirty, not afraid to reach out and certainly ready to speak up.

As my Dad would have said: What's wrong with that?

Storm runoff a concern for some

BY DEBORAH MCKEON | TELEGRAM STAFF | Posted: Saturday, October 24, 2015 5:58 pm

SALADO — With heavy rainfall expected in Bell County and surrounding areas this weekend, Salado Mayor Skip Blancett and area residents are concerned about the welfare of Salado Creek because runoff could take sediment from the Interstate 35 road construction into the creek.

Blancett, in his online blog, cautioned residents about the large amount of rain expected through today and how it could affect area roads and construction sites.

As much as six inches could fall in Central Texas through this morning, with higher amounts possible with larger storms, the National Weather Service forecast said Friday.

The Texas Pollutant Discharge Elimination System, authorized by the Texas Commission on Environmental Quality, governs pollution control and water quality under the Clean Water Act.

Sediment can harm waterways in several different ways:

Degrades water quality for drinking, wildlife and the land.

Fills up storm drains and catch basins that carry water away from roads and homes, increasing the potential for flooding.

Prevents natural vegetation from growing in water.

Interferes with the food chain by destroying the habitat for organisms that live in small streams and causing the fish population to decline.

Increases the cost of treating drinking water and can cause odor and taste problems.

Clogs fish gills and reduces resistance to disease, lowers growth rates and affects fish egg and larvae development.

Blue-green algae that releases toxins and makes swimmers sick can be activated by nutrients transported in sediment.

Alters the flow of water and reduces water depth, making navigation and recreational use harder.

The Environmental Protection Agency said that construction sites can cause 1.2 tons/acre/month in average dust emissions, and this dust can increase the possibility of sedimentation and water pollution.

Stabilized entrances to construction sites can minimize sediment leaving as it attaches itself to vehicles as mud and gravel, the EPA said. A pad of gravel over a filter cloth can help stabilize the construction entrance, separating the gravel from the soil. Also, a vehicle washing station could be established at the entrance to remove sediment from vehicles before they leave the location. The runoff from the vehicles could go into a sediment trap, the EPA suggests.

The Texas Department of Transportation created special environmental protection controls requested by the local water conservation district to protect the creek, Jodi Wheatley, TxDOT's I-35 specialist, said.

In most cases, drilling for bridge columns is done inside a steel casing that is removed and concrete for the column is poured into the drill shaft. In Salado the steel casing is left in place across Salado Creek to minimize the potential for concrete material to leak out into the underground springs and rock formations. The casing was left and the space was filled with pea gravel and bentonite, a sticky clay used in drilling, Wheatley said.

After the casing was filled with the mixture, the casing at the column's base was capped off with concrete.

"We have a number of environmental requirements, temporary and permanent, that are in the construction contract, mostly aimed at trapping sediment to protect waterways," Wheatley said.

Temporary measures must be in place during construction, Wheatley said. Each project contractor must have a storm water pollution prevention plan for each project program. Water isn't allowed to run off directly into ditches, streams or other waterways, either from work locations or bridges. Sediment control fences and rock filter dams must be placed to slow any water runoff and let sediment be trapped above ground, she said.

Permanent runoff controls aren't used until the end of I-35 construction, Wheatley said. Sediment bases are put under bridges to collect and hold runoff to keep sediment from getting into the creek or river. Those bases are cleaned out periodically by maintenance crews after construction is finished. Deck drains take the runoff from bridge decks and send it to a gutter system that takes it to the detention basins.

To make sure the environmental controls are placed and maintained, TxDOT has construction inspectors and a district environmental quality coordinator who inspects the jobs for compliance.

"If at any time these inspectors identify problems, either with compliance or with the efficacy of the measures themselves in a particular location, they report this to the project management and outline the remedial measures to be taken. Their instructions must be followed by the contractor and construction crews," Wheatley said.